

HOUSE BILL 3019
By Sands

AN ACT to amend Tennessee Code Annotated, Title 65, Chapter 11, relative to railroad crossings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-11-106, is amended by deleting such section in its entirety and by substituting instead the following language:

§65-11-106

(a) No railroad company shall obstruct any public highway or street, or the navigation of any stream, by stopping and permitting trains, engines or cars to stand upon a public grade crossing or upon a drawbridge for more than ten (10) minutes at any one time, unless such stopping and standing is caused by circumstances beyond control of the railroad company.

(b) No member of a railroad train crew shall be held personally guilty of violating this section on proof that such person's action, which resulted in the blocking of a public grade crossing by a train, engine or car, was necessary to comply with the orders or instructions of the railroad company or its officers; provided, however, nothing in this subsection shall be construed to relieve the railroad company from any responsibility placed upon it by this section.

(c) Any railroad company that violates the provisions of this section shall be subject to a civil penalty of one hundred dollars (\$100) for the first violation and two hundred dollars (\$200) for second and subsequent violations. If a public grade crossing or drawbridge is obstructed by two (2) or more trains stopping and standing thereon in succession without allowing accumulated highway or water traffic to pass, the obstruction by each such successive train shall constitute a separate violation.

(d) The commissioner of transportation shall be responsible for the enforcement of this section.

SECTION 2. The commissioner of transportation is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect July 1, 2002, the public welfare requiring it, and shall apply to violations occurring on or after such date.